

FILED
STATE OF NORTH CAROLINA
WAKE COUNTY 2019 JUL 12 PM 3:25

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18 CVS 014001

COMMON CAUSE, *et al.*)
Plaintiffs,)
v.)
Representative DAVID R. LEWIS,)
in his official capacity as Senior)
Chairman of the House Select)
Committee on Redistricting, *et al.*,)
Defendants.)

ORDER ON PLAINTIFFS'
MOTION FOR DIRECTION

THIS MATTER comes before the undersigned three-judge panel upon
Plaintiffs' Motion for Direction, filed June 6, 2019.

On June 6, 2019, Plaintiffs filed a motion requesting that this Court direct
Legislative Defendants to stop purporting to designate the entirety of the files
previously produced by Stephanie Hofeller as "Highly Confidential/Outside
Attorneys' Eyes Only" and stop demanding that Plaintiffs return and destroy the
files in their entirety. Legislative Defendants, in their June 17, 2019, brief in
opposition to Plaintiffs' motion, requested that this Court order Plaintiffs to disclose
the extent of their review of the files and divest themselves of the files, and further
requested that there be briefing on whether some or all of Plaintiffs' attorneys
should be disqualified. Plaintiffs filed a reply brief in support of the motion for
direction on June 27, 2019. A hearing on the motion was held on July 2, 2019, and
the matter was taken under advisement.

After considering Plaintiffs' motion for direction and the matters contained therein, as well as the parties' briefs, submissions, and arguments on the motion by those in attendance, and having reviewed the record proper, the Court, in its discretion, declines to grant Plaintiffs' requested relief.

The Court's primary objective at this stage in the litigation is to ensure that documents necessary for the administration of justice in this case are made available. The Court is satisfied that such documents have been identified, that all parties have agreed that those documents are not subject to any assertions of privilege, and that the documents likely fall under the public record designation provided by N.C.G.S. § 120-133.

The Court takes no position with respect to Legislative Defendants' contentions that Plaintiffs' counsel's actions in this litigation have run afoul of Rules 4.1, 4.3, 4.4, and 8.4 of the Rules of Professional Conduct. Legislative Defendants may, of course, seek relief on this matter with the North Carolina State Bar should they feel such action is warranted. As to Legislative Defendants' request that Plaintiffs disclose the extent of their review of the files produced by Stephanie Hofeller, the Court notes that the delay in bringing these concerns before the Court has contributed to any prejudice Legislative Defendants claim to have suffered as a result of the alleged misconduct, and denies Legislative Defendants' requested relief at this late stage of the litigation.

WHEREFORE, the Court, for the reasons stated herein and in the exercise of its discretion, hereby ORDERS that Plaintiffs' Motion for Direction is DENIED .

SO ORDERED, this the 12th day of July, 2019.



Paul C. Ridgeway, Superior Court Judge

/s/ Joseph N. Crosswhite

Joseph N. Crosswhite, Superior Court Judge

/s/ Alma L. Hinton

Alma L. Hinton, Superior Court Judge

Certificate of Service

The undersigned certifies that the foregoing was served upon all parties by electronic mail, addressed as follows:

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This the 12th day of July, 2019.



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